

IN RE: PETITION FOR VARIANCE
M/S Greenspring Drive, 265' S
of Timonium Road
(2034 Greenspring Drive)
8th Election District
4th Councilmanic District
Baltimore Gas & Electric Co.
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-91-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the owner of the subject property, Baltimore Gas and Electric Company (BG & E), by D. G. Schwartz, Jr., Vice President of General Services, through their attorneys, William E. Colburn, Esquire, and John Howard, Esquire. The Petitioner requests relief from Sections 255.1 and 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 22 feet, more or less, in lieu of the required 30 feet, for a proposed addition to the existing public utility facility, in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petitioner were William Colburn, Esquire and John Howard, Esquire. Also appearing on behalf of the Petitioner was Lou Hammond, Project Administrator for BG & E. There were no Protestants present.

Testimony indicated that the subject property, known as 2034 Greenspring Drive, consists of 7.42 acres, more or less, zoned M-L-1-M. and is the site of an office/warehouse facility used by the Petitioner in the operation of its business. The Petitioner is desirous of enclosing two porches on the southern end of the existing warehouse, creating a 298 sq.ft. addition, in accordance with Petitioner's Exhibit 1. By virtue of

the proposed addition, the requested variances are necessary as the proposed enclosure will encroach upon the required setback area.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Peti-

tioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 18th day of October, 1993 that the Petition for Variance requesting relief from Sections 255.1 and 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 22 feet, more or less, in lieu of the required 30 feet, for a proposed addition to the existing public utility facility, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Timothy M. Kotsko
TIMOTHY M. KOTSKO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 10/18/93
By [Signature]

- 2 -

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District TA Date of Posting 9/24/93
Posted for Variance
Petitioner BG & E
Location of property 2034 Greenspring Drive, 8th Election District, 4th Councilmanic District
Location of Sign Along road where property is located
Remarks [Signature]
Posted by [Signature] Date of return 10/19/93
Number of Signs 1

Petition for Variance to the Zoning Commissioner of Baltimore County for the property located at 2034 Green Spring Drive, Timonium, MD

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) ML-1M

255.1 and referenced Section 238.2 to permit a rear yard setback of 22 feet ± in lieu of the required 30 feet, in connection with the construction of additional warehouse space at Petitioner's existing public utility facility.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

To be determined at the Hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations. I or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee
Type or Print Name
Signature
Address
City State Zipcode
Planning for Petitioner
Robert A. Hoffman, Esquire
Type or Print Name
Signature
Address
City State Zipcode
Legal Owner(s)
Baltimore Gas and Electric Company
Type or Print Name
By: D.G. Schwartz, Jr.
Signature
Vice President, General Services
Type or Print Name
P. O. Box 1475 234-5669
Address
Baltimore, MD 21203
City State Zipcode
Name Address and phone number of representative to be contacted
William E. Colburn, Esquire
Name P. O. Box 1475 234-5669
Address Baltimore, MD 21203 234-5669
City State Zipcode

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING two
Date 10/18/93
REVIEWED BY [Signature] DATE 10/18/93

BALTIMORE GAS AND ELECTRIC COMPANY
TIMONIUM FACILITY - ZONING VARIANCE
DESCRIPTION OF PROPERTY
LPJ 81-93031

BEGINNING AT A POINT ON THE SOUTHWESTERLY SIDE OF GREEN SPRING DRIVE WHICH IS 60 FEET WIDE AT A DISTANCE OF 265 FEET SOUTH OF THE CENTERLINE OF TIMONIUM ROAD WHICH IS 37 FEET WIDE. THENCE RUNNING ALONG THE SOUTH WEST RIGHT OF WAY LINE OF GREEN SPRING DRIVE SOUTH 18°39'54" EAST, 240.13 FEET, THENCE LEAVING SAID RIGHT OF WAY AND TRAVELING THE FOLLOWING THREE (3) COURSES AND DISTANCES

- (1) SOUTH 40°11'55" WEST, 275.00 FEET;
- (2) SOUTH 00°11'55" WEST, 411.76 FEET;
- (3) NORTH 89°48'05" WEST, 476.40 FEET;

TO THE EAST RIGHT OF LINE OF THE BALTIMORE HARRISBURG EXPRESSWAY (STATE ROUTE 83) THENCE ALONG THE EAST RIGHT OF WAY LINE ALONG A CURVE TOWARD THE RIGHT HAVING A RADIUS OF 4683.66 FEET A DISTANCE OF 81.10 FEET (THE CHORD OF SAID ARC BEARING NORTH 02°41'17" WEST, 81.10 FEET); THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 400.00 FEET A DISTANCE OF 272.78 FEET (THE CHORD OF SAID ARC BEARING NORTH 16°21'08" EAST, 267.52 FEET); THENCE ALONG A CURVE TOWARD THE LEFT HAVING A RADIUS OF 461.00 FEET A DISTANCE OF 286.49 FEET (THE CHORD OF SAID ARC BEARING NORTH 18°05'06" EAST, 281.90 FEET) THENCE RUNNING NORTH 60°01'16" EAST, 484.26 FEET TO THE POINT OF BEGINNING, AS RECORDED IN DEED LIBER 6385, FOLIO 536.

SAID PARCEL CONTAINING 7.42 ACRES, MORE OR LESS. ALSO KNOWN AS 2034 GREEN SPRING DRIVE AND LOCATED IN THE EIGHTH ELECTION DISTRICT.



CERTIFICATE OF PUBLICATION

TOWSON, MD. 9/19/93

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/19/93.

THE JEFFERSONIAN,
A. Henrichsen
LEGAL AD. - TOWSON

Baltimore County
Zoning Administration &
Development Management
210 West Chesapeake Avenue
Towson, Maryland 21204

Date 8/23/93

Account #0014190

Number 89

By JUL

CODE 020 INQUIRY'S VAR FILING-FEE 250.00
CODE 080 SIGN POSTING FEE 35.00
TOTAL 285.00

CHECK BG & E.
16. 2034 GREENSPRING DR.

03403M0217M10KRC
88 C01109AM08-23 93

Please Make Checks Payable To Baltimore County

Cashier Validation



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 89

Petitioner: Baltimore Gas and Electric Company

Location: 234 Green Spring Dr. Towson, Md

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Baltimore Gas and Electric Company

ADDRESS: 111 W. Chesapeake Ave. Towson, MD 21204

PHONE NUMBER: 410-234-5669

AJ:ggg

(Revised 04/09/93)

TO: PUTNEY PUBLISHING COMPANY
September 9, 1993 Issue - Jeffersonian

Please forward billing to:

Baltimore Gas and Electric Company
P. O. Box 1475
Baltimore, Maryland 21203
ATTN: W. E. COLBURN
410-234-5669

COPY

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-91-A (Item 89)

2034 Green Spring Drive
W/S Green Spring Drive, 265' S of Timonium Road
8th Election District - 4th Councilmanic

Petitioner(s): Baltimore Gas and Electric Company

HEARING: WEDNESDAY, OCTOBER 13, 1993 at 9:00 a.m. in Rm. 106, County Office Building.

Variance to permit a rear yard setback of 22 ft., more or less, in lieu of the required 30 feet, in connection with the construction of additional warehouse space at existing public utility facility.

LAWRENCE E. SCHWITZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

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Arnold Jablon
Arnold Jablon
Director

cc: William E. Colburn/Baltimore Gas and Electric Company
Robert A. Hoffman, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE BY 887-3391.



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

October 4, 1993

Robert Hoffman, Esquire
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21204

RE: Case No. 94-91-A, (Item No. 89)
Petitioner: Baltimore Gas and Electric Company
Petition for Variance

Dear Mr. Hoffman:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on August 27, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No: 787 (JLC)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-332-7350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: September 3, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 85, 89, 90 and 94.

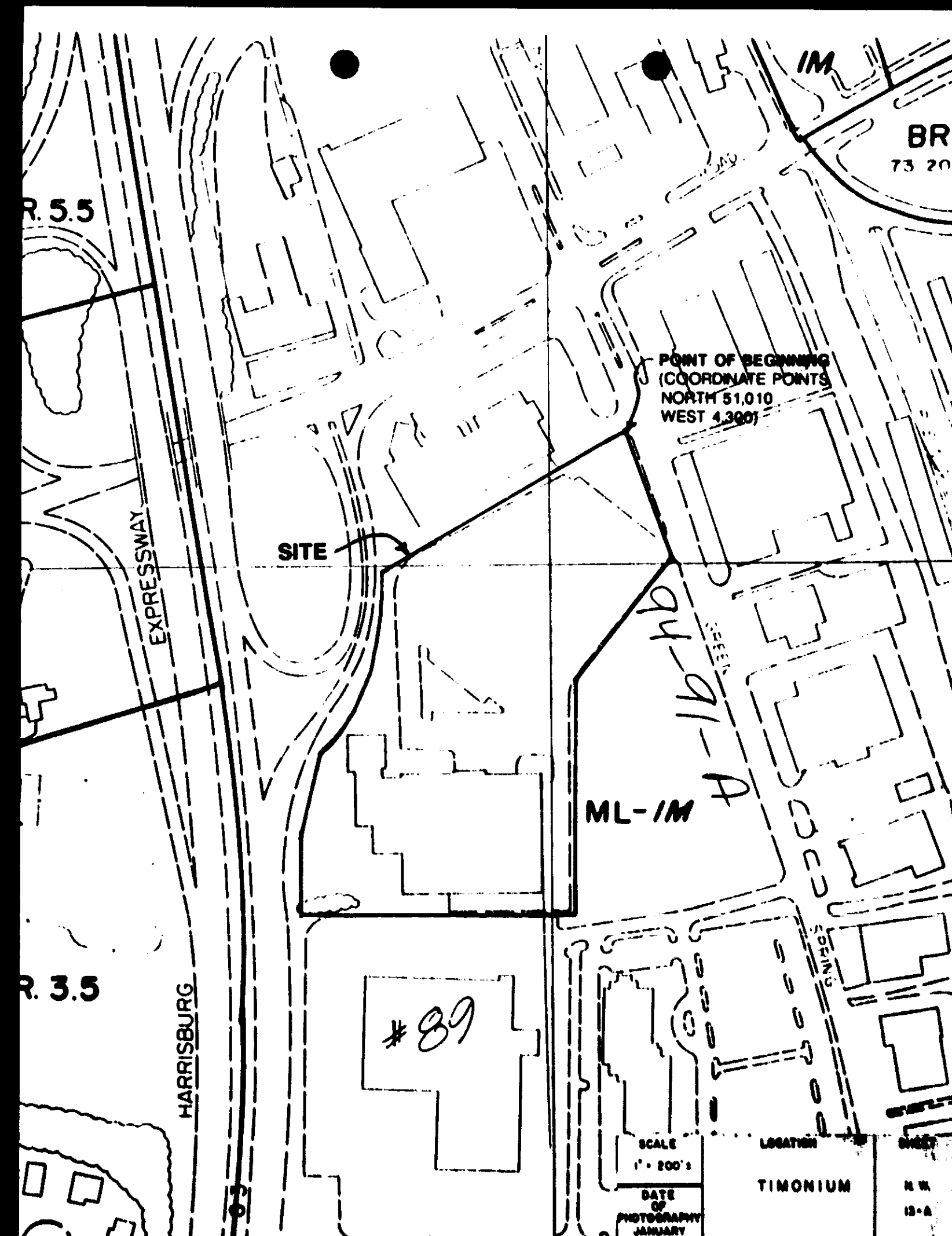
If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey Long*

Division Chief: *Ermy Kerns*

PK/JL:lw

ZAC85.89/PZONE/ZAC1



*Petitioner's
Exhibit 2A-2C
Case 94-91-A*

